

EXHIBIT "B"

OF THE CITY OF YORK

TITLE: UNLAWFUL HARASSMENT

ADOPTED:

REVISED:

	348. UNLAWFUL HARASSMENT
1. Purpose	The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.
2. Authority Title VII 42 U.S.C. Sec. 2000e et seq Title IX 20 U.S.C. Sec. 1681	The Board prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.
	The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.
	No reprisals nor retaliation shall occur as a result of good faith charges of harassment.
3. Definitions 29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)	For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:
	<ol style="list-style-type: none"> 1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment. 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance. 3. Otherwise adversely affects an individual's employment opportunities.

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29 CFR Sec. 1604.11 (a)	<p>For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> 1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment. 2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual. 3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment. <p>Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.</p> <p>4. Delegation of Responsibility Pol. 103</p> <p>In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or designee as the district's Compliance Officer.</p> <p>The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.</p> <p>Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.</p> <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:</p> <ol style="list-style-type: none"> 1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
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	<p>2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</p> <p>3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</p> <p>5. Guidelines</p> <p><u>Complaint Procedure – Employee/Third Party</u></p> <p>Step 1 – Reporting</p> <p>An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.</p> <p>If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.</p> <p>The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.</p> <p>The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.</p> <p>The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.</p> <p>Step 3 – Investigative Report</p> <p>The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.</p>
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	<p>The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.</p> <p>Step 4 – District Action</p> <p>If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.</p> <p>Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p>Pol. 317, 417, 517</p> <p>If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none">1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
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OF THE CITY OF YORK

TITLE: NONDISCRIMINATION IN
EMPLOYMENT, EDUCATION
PROGRAMS AND ACTIVITIES

ADOPTED: November 16, 2005

REVISED:

	<p>103. NONDISCRIMINATION IN EMPLOYMENT, EDUCATION PROGRAMS AND ACTIVITIES</p> <p>1. Authority SC 1310 Title VI 42 U.S.C. Sec. 2000d et seq Title IX 20 U.S.C. Sec. 1681 42 U.S.C. Sec. 12101 et seq 29 U.S.C. Sec. 701 et seq Title 22 Sec. 4.4</p> <p>2. Definitions</p>
	<p>The School District of the City of York has the policy to foster the employment of individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, familial status, sex, national origin, sexual orientation, or disability. The policy of equal opportunity and treatment applies to every aspect of school district operations and activities, including admissions and employment practices.</p> <p>This policy shall be made known to all persons and organizations associated with the School District of the City of York, to all Educational Placement Services, the Pennsylvania Bureau of Employment Security and all recruiting sources.</p> <p>Any student, parent/guardian, employee, or citizen who feels that s/he has been denied because of race, color, religious creed, ancestry, age, familial status, sex, national origin, sexual orientation, or disability, fair treatment or access to equal opportunity in any aspect of school district operations or activities should contact the Compliance Officer.</p> <p>Grievance: Grievance means a complaint alleging any policy, procedure, or practice which would be prohibited by Title IX/Section 504.</p> <p>Title IX: Title IX means Title IX of the Education Amendments of 1972, the 1975 implementing regulation, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.</p> <p>Section 504: Section 504 means Section 504 of the Rehabilitation Act of 1973, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.</p>

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Grievant: Grievant means a student or employee of the School District of the City of York who submits a grievance relevant to Title IX/Section 504 or an individual or group submitting a grievance in behalf of a student(s), employee(s), or parent(s)/guardian(s).

School District of the City of York: Any reference to School District of the City of York means any school, department, subunit or program operated by the School District of the City of York.

Title IX Coordinator: Title IX Coordinator means the employee(s) designated to coordinate School District of the City of York efforts to comply with and carry out its responsibilities under Title IX and the Title IX implementing regulation.

Section 504 Coordinator: Title 504 Coordinator means the employee(s) designated to coordinate School District of the City of York efforts to comply with and carry out its responsibilities under Section 504 and the Section 504 implementing regulation.

Respondent: Respondent means a person alleged to be responsible, or who may be responsible for the Title IX/Section 504 violation alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

Hearing Officer: Hearing Officer means the representative(s) of the School District of the City of York or of its governing body who is delegated authority for hearing/resolving a grievance at a specified level of grievance processing.

Grievance Answer: Grievance answer means the written statement of the respondent regarding the grievance allegation and possible corrective action.

Grievance Decision: Grievance decision means the written statement of a hearing officer of his/her findings regarding the validity of the grievance allegation and the corrective action to be taken.

Day: Day means a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays, and holidays.

Corrective Action: Corrective action means action which is taken by the School District of the City of York to eliminate or modify any policy, procedure, or practice found to be in violation of Title IX/Section 504 and/or to provide redress to any grievant injured by the identified violation.

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3. Guidelines	<p style="text-align: center;">FILING OF GRIEVANCES</p> <p><u>Eligibility for Filing</u></p> <p>Any student or employee, or any individual or group acting in behalf of a student or employee may file any grievance with the Title IX/Section 504 Coordinator.</p> <p><u>Pre-grievance Meetings</u></p> <p>Prior to the filing of a written grievance, the grievant(s) may request a pre-grievance meeting with the respondent alleged to be directly responsible for the Title IX/Section 504 violation and/or persons with immediate supervisory authority related to the grievance. These persons shall make reasonable efforts to meet with any student and/or employee to discuss Title IX/Section 504 matters that the students or employees may wish to bring to their attention. Such a pre-grievance meeting shall be at the option of the grievant(s); it shall not be a precondition for the submission of a written grievance.</p> <p><u>Grievance Filing</u></p> <p>Grievances filed with the Title IX/Section 504 Coordinator shall be in writing and provide the following information: name and address of grievant(s); nature and date of alleged violation; names of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be at the option of the grievant); and any background information the grievant believes to be relevant (e.g. names of other persons affected by the violation, etc.).</p> <p><u>Grievance Forms</u></p> <p>A grievance form shall be prepared by the Title IX/Section 504 Coordinator to facilitate the filing of the grievance. These forms may be obtained from the Title IX/Section 504 Coordinator. The grievant shall have the right to request assistance from the Title IX/Section 504 Coordinator's office, or any other individual, group, or organization, to assist in the preparation of the form or in the filing of the grievance.</p> <p><u>Time Limit for Grievance Filing</u></p> <p>A grievance must be filed within the sixty (60) days of the occurrence of the alleged Title IX/Section 504 violation.</p>
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INITIAL PROCESSING OF GRIEVANCES

Notification of Respondents

Within five (5) days of the filing of a grievance, the Title IX/Section 504 Coordinator shall notify the respondent(s) of the grievance of his/her responsibility for submission of a written grievance answer within five (5) days after receipt of the grievance notification.

Respondent's Grievance Answer

The respondent(s) receiving a copy of a grievance shall, within five (5) days, submit a written grievance answer to the grievant and the Title IX/Section 504 Coordinator. Such answer shall:

1. Confirm or deny each fact alleged in the grievance.
2. Indicate the extent to which the grievance has merit.
3. Indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.

Referral of Grievance and Grievance Answer to Appropriate Processing Level

Within five (5) days after receipt of the respondent's written grievance answer, the Title IX/Section 504 Coordinator shall determine the appropriate level for first grievance processing and refer the grievance and the grievance answer to the appropriate hearing officer. If no grievance answer has been received on the fifth day after notification of the respondent, the Title IX/Section 504 Coordinator shall send a notice of nonresponse to the respondent and his/her immediate supervisor. If no grievance answer has been received within five (5) days after issuance of this notice, the Title IX/Section 504 Coordinator shall refer the grievance to the appropriate hearing officer with a notice of nonresponse. A notice of nonresponse shall also be sent to the grievant.

The criteria which shall be used by the Title IX/Section 504 Coordinator in determining the appropriate level for first processing of a grievance include:

Level I: Grievance involving policy, procedure or practice of single unit or subunit of agency/institution.

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Level II: Grievance involving administrative policy, procedure, or practice of entire agency/institution.

Level III: Grievance involving policy for which governance is primarily responsible.

The hearing officer acting at each level shall be:

Level I: Administrator/supervisor of unit or subunit of agency/institution.

Level II: Chief administrative officer of agency/institution (or designated representative).

Level III: Governing Board of agency/institution (or designated subunit).

If the grievance is referred to Level II or Level III for first processing, the Title IX/Section 504 Coordinator shall briefly state the reason(s) for this decision in the referral.

GRIEVANCE PROCESSING LEVELS

Level I

1. *Level I hearing officer* – The hearing officer serving in all Level I grievance activities shall be the administrator or supervisor of the unit or subunit of the School District of the City of York in which the Title IX/Section 504 violation is alleged to have occurred, or his/her designee.
2. *Written grievance decision by Level I hearing officer* – When a grievance and grievance answer (or notice of nonresponse) are referred to Level I for first processing, the Level I hearing officer shall, within five (5) days of referral, submit a written grievance decision to the grievant, the respondent, and the Title IX/Section 504 Coordinator. The decision shall:
 - a. Confirm or deny each fact alleged in the grievance and in the respondent's answer.
 - b. Indicate the extent to which the grievance has merit.
 - c. Indicate acceptance or rejection of any redress specified by the grievant or respondent.

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	<p>d. Indicate that the hearing officer will conduct an informal hearing on the grievance before rendering a decision.</p> <p>3. <i>Response to written grievance decision by grievant and respondent - request for informal Level I hearing</i> – If the decision is not accepted by either the grievant or the respondent, s/he shall so notify the Title IX/Section 504 Coordinator in writing within five (5) days of receipt of the grievance decision, and state his/her request for a Level I informal hearing.</p> <p>If, within five (5) days of the issuance of the written grievance decision, no written request for an informal Level I hearing has been received from either the grievant or the respondent by the Title IX/Section 504 Coordinator, any corrective action specified in the decision shall be taken, and grievance shall be considered closed.</p> <p>4. <i>Nature of a Level I informal hearing</i> – A Level I informal hearing shall be conducted in two (2) circumstances:</p> <ul style="list-style-type: none"> a. The Level I hearing officer determines that the information provided in the written grievance and grievance answer is insufficient to permit the rendering of a decision. b. Either the grievant or the respondent is dissatisfied with the written grievance decision of the Level I hearing officer. <p style="margin-left: 40px;">Its purpose shall be to encourage free and informal discussion of grievance issues between the grievant, the respondent, and Level I hearing officer.</p> <p>5. <i>Scheduling of Level I informal hearing</i> – A Level I informal hearing shall be scheduled by the Title IX/Section 504 Coordinator within five (5) days of receipt of a request for such hearing from the grievant, the respondent, or the Level I hearing officer. The Title IX/Section 504 Coordinator shall schedule the hearing at a time and place acceptable to all parties, not to exceed ten (10) days after the receipt of a request for such a hearing.</p> <p>6. <i>Persons present at the informal hearing</i> – Persons present at the informal hearing shall include the grievant, the respondent, any individual requested by either party to provide assistance relevant to consideration of the grievance, and the Level I hearing officer. The Title IX/Section 504 Coordinator shall be present to act as moderator if requested by the Level I hearing officer.</p>
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	<ol style="list-style-type: none"> 7. <i>Procedures governing the conduct of the Level I informal hearing</i> – Any procedures established to govern the conduct of the Level I informal hearing shall be at the discretion of the Title IX/Section 504 Coordinator. 8. <i>Level I informal hearing decision</i> – Within five (5) days after the informal hearing, the Level I hearing officer shall issue a written hearing decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX/Section 504 Coordinator. 9. <i>Continued discussions</i> – In the event that the grievance cannot be adequately discussed or resolved during the course of the informal hearing, the respondent and the hearing officer may agree to continue the informal hearing at a time and place acceptable to all parties. In this event the written decision shall not be required until five (5) days after the final informal hearing. 10. <i>Acceptance or rejection of hearing decision by the grievant</i> – If the grievant rejects the Level I hearing decision, s/he shall, within ten (10) days of the receipt of the hearing decision, notify the Title IX/Section 504 Coordinator of his/her intent to appeal the grievance to Level II. This notification shall be in writing. If no such notification is received by the Title IX/Section 504 Coordinator within this time period, any corrective action specified in the hearing decision shall be taken, and the grievance will be recorded as closed by the Title IX/Section 504 Coordinator. 11. <i>No written decision by Level I hearing officer</i> – In the event that no written decision is issued by the Level I hearing officer within five (5) days after the Level I informal hearing, the Title IX/Section 504 Coordinator shall, on the fifth day, send a notice of nonresponse to the Level I hearing officer and to his/her immediate supervisor. If no response is received by the tenth day following the Level I hearing, the grievance shall be immediately referred by the Title IX/Section 504 Coordinator for processing at Level II. This referral shall consist of the scheduling of a time and place for a Level II hearing and notification of the grievant, the respondent and the Level II hearing officer.
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Level II

1. *Level II hearing officer* – The officer serving in all Level II grievance activities shall be the Superintendent or his/her designee.

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	<p>2. <i>Nature of a Level II hearing</i> – A Level II hearing shall be conducted in three (3) circumstances:</p> <ul style="list-style-type: none"> a. A grievant is not satisfied with the decision rendered in Level I hearing and appeals the grievance to Level II by means of written notification to the Title IX/Section 504 Coordinator within ten (10) days of the receipt of the Level I hearing decision. b. No written Level I hearing decision is issued by the Level I hearing officer within ten (10) days after the completion of the Level I hearing, and the grievance is immediately referred by the Title IX/Section 504 Coordinator for processing at Level II. c. The grievance involves policies, procedures, or practices which are general throughout the agency/institution and is referred by the Title IX/Section 504 Coordinator, or designated grievance representative, for first processing at Level II, with a written statement regarding the potential pervasiveness of the grievance and the numbers and roles of affected persons. <p>3. <i>Scheduling of a Level II hearing; notification of participants</i> – The Title IX/Section 504 Coordinator shall arrange a date for Level II hearing and notify the grievant, the respondent and the Level II hearing officer of the time, place, and minimum duration of the hearing. The hearing shall be held within five (5) days after appeal/referral of the grievance to Level II.</p> <p>If any written materials or records relevant to the grievance are transmitted to the Level II hearing officer by the Title IX/Section 504 Coordinator at the time of notification, copies of these materials shall also be transmitted to the grievant and the respondent.</p> <p>4. <i>Persons present at the Level II hearing</i> – Persons present at the informal hearing shall include the grievant, the respondent, any individual requested by either party to provide information relevant to the evaluation of the grievance and the Level II hearing officer. The Title IX/Section 504 Coordinator shall be present to act as moderator and recorder. Hearings shall not be open to other persons unless requested or approved by the grievant.</p> <p>5. <i>Procedures governing the conduct of the Level II hearing</i>:</p> <ul style="list-style-type: none"> a. Duration: No hearing shall be less than three (3) hours long, unless all parties consent to a shorter hearing.
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	<ul style="list-style-type: none"> b. Time allocations: The time established for the duration of the hearing shall be allocated in equal parts to the grievant and the respondent. The Title IX/Section 504 Coordinator shall moderate the usage of time. Time utilized in hearing and responding to any questions posed by the hearing officer shall not be charged against the time allocation of either party. c. Grievance witnesses: Both the grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance. d. Questioning of witnesses: Formal rules of evidence shall not be applied at the Level II grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions of any person participating in the hearing. <p>6. <i>Level II hearing decision</i> – Within five (5) days after the Level II hearing, the Level II hearing officer shall issue a written decision, which includes a statement regarding the validity of the grievance allegation, and, a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX/Section 504 Coordinator.</p> <p>7. <i>Acceptance or rejection of hearing decision by the grievant</i> – If the grievant rejects the Level II hearing decision, s/he shall, within ten (10) days of the receipt of the hearing decision, notify the Title IX/Section 504 Coordinator of his/her intent to appeal the grievance to Level III. This notification shall be in writing. If no such notification is received by the Title IX/Section 504 Coordinator within this time period, any corrective action specified in the Level II hearing decision shall be taken, and the grievance will be recorded as closed by the Title IX/Section 504 Coordinator.</p> <p>8. <i>No written decision by Level II hearing officer</i> – In the event that no written decision is issued by the Level II hearing officer within five (5) days after the Level II hearing, the Title IX/Section 504 Coordinator shall, on the fifth day, send a notice of no response to the Level II hearing officer and to his/her immediate supervisor. If no response is received by the tenth day following the Level II hearing, the grievance shall be immediately referred by the Title IX/Section 504 Coordinator for processing at Level III. This referral shall consist of a formal notification of the governing Board of the School District of the City of York regarding the appeal of the grievance and a request for determination by the Board of the form of Level III processing to be utilized.</p>
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	<p><u>Level III</u></p> <ol style="list-style-type: none"> 1. <i>Level III hearing officer(s)</i> – The hearing officer(s) serving in all Level III activities shall be the Board of School Directors of the School District of the City of York, hereinafter referred to as the Board, or a representative designated by the Board. For purposes of actual grievance hearing, the governing Board may delegate authority to a hearing panel established by the Board for this purpose. 2. <i>Nature of a Level III hearing</i> – A Level III hearing shall be conducted in three (3) circumstances: <ol style="list-style-type: none"> a. A grievant is not satisfied with the decision rendered in a Level II grievance hearing and appeals the grievance to Level III by means of a written notification to the Title IX/Section 504 Coordinator within ten (10) days of the receipt of the Level II hearing decision. b. No written Level II hearing decision is issued by the Level II hearing officer within ten (10) days after the completion of the Level II hearing, and the grievance is immediately referred by the Title IX/Section 504 Coordinator for processing at Level III. c. The grievance involves policies, procedures, or practices for which the Board has primary responsibility and is referred by the Title IX/Section 504 Coordinator for first processing at Level III, with a written statement regarding Board responsibility for the policies, procedures, or practices alleged to be in violation of Title IX/Section 504. 3. <i>Alternatives for Level III grievance hearings</i> – For any grievance referred for hearing at Level III; there shall be two (2) alternative methods for grievance processing: <ol style="list-style-type: none"> a. The grievance hearing may be conducted by the Board in its entirety. b. The grievance hearing may be conducted by a subgroup of at least three (3) members of the Board. 4. <i>Determination of method for processing at Level III</i> - The determination of the method to be used for the processing of any particular grievance shall be made by the Title IX/Section 504 Coordinator on the basis of the criteria established by the Board, unless a request for processing by the hearing panel is specified by the grievant in his/her grievance/appeal. Such determination shall be made within five (5) days after referral of the grievance for Level III processing, at which time the appropriate first step for the method selected, shall occur.
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	<p>5. <i>Grievance hearings conducted by the Board or its subunit: schedule of implementation activities</i> – If it is determined that the Level III hearing shall be conducted by the Board or its subunit, processing activities shall occur on the following schedule:</p> <ul style="list-style-type: none"> a. Scheduling of the hearing: The Title IX/Section 504 Coordinator shall arrange a date for the Level III hearing and notify the grievant, the respondent, and the Level III hearing officer(s) of the time, place, and minimum duration of the hearing. This shall be accomplished no later than five (5) days after the appeal/referral of the grievance to Level III for determination of the processing method to be used. If any written materials or records relevant to the grievance are transmitted to the Board by the Title IX/Section 504 Coordinator at the time of notification, copies of these materials shall also be transmitted to the grievant and to the respondent. b. Conducting the hearing: The hearing shall be scheduled for and conducted on a date not to exceed fifteen (15) days after the appeal/referral of the grievance to Level III. c. Issuance of final hearing decision: The Board or its subunit shall issue a written decision regarding the validity of the grievance and any corrective action to be taken within five (5) days after the Level III hearing. <p>6. <i>Persons present at the Level III hearing</i> – Persons present at the Level III hearing shall include the grievant, the respondent, any representative(s) of either the grievant or the respondent, any individual requested by either party to provide information relevant to the evaluation of the grievance, and those members of the Board or hearing panel responsible for hearing the grievance. The Title IX/Section 504 Coordinator shall be present to act as recorder. Hearings shall not be open to other persons unless requested or approved by the grievant.</p> <p>7. <i>Procedures governing the conduct of the Level III hearing</i> – The specification of detailed procedures for the conduct of Level III hearings shall be the option of the Board. General procedures guiding the conduct of Level III hearings shall be, for the most part, similar to those used at Level II.</p> <ul style="list-style-type: none"> a. Duration: The Board, or its subunit, or the designated hearing panel shall determine the duration of the hearing. No Level III grievance hearing shall be less than three (3) hours unless all parties consent to a shorter hearing.
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- b. Time allocations: The time established for the duration of the hearing shall be allocated in equal parts to the grievant and the respondent. The person designated by the Board shall moderate usage of time.
- c. Grievance witnesses: Both the grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance.
- d. Questioning of witnesses: Formal rules of evidence shall not be applied at the Level III grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions of any person participating in the hearing.
- e. Introduction of new information: During the hearing of a grievance appealed from Level II, neither party shall be permitted to introduce information not presented at the Level II hearing, unless s/he can show cause as to why it was not introduced at Level II.
- f. Moderation of Level III hearings: The governing Board, or its subunit, shall designate a member who shall moderate the Level III hearing to ensure its compliance with all procedural requirements.

9. *Level III hearing decision* – The governing Board of the School District of the City of York shall issue a written decision, which includes a statement regarding the validity of the grievance allegation and a specification of any corrective action to be taken. This decision shall constitute the final decision issued pursuant to any grievance.

The decision shall be issued within five (5) days after such hearing.

Copies of the decision shall be sent to the grievant, the respondent, the Title IX/ Section 504 Coordinator and the Superintendent.

All Level III hearing decisions shall be based on majorities vote by the Board or its designated subunit. Any Board member in disagreement with the majority shall have the option to prepare a dissenting opinion for inclusion within the final decision.

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GRIEVANCE APPEALS

Grievant Rights

If the grievant is dissatisfied with the grievance decision received at Level I or II, s/he may appeal the grievance to the next level. Such an appeal shall be made in writing to the Title IX/Section 504 Coordinator within ten (10) days of the receipt of the unsatisfactory decision.

Notification of Rights of Appeal

Upon receipt of the grievance decision from the Level I or Level II hearing officer, the Title IX/Section 504 Coordinator shall make written notification to the grievant of his/her right to appeal and of the procedure and deadline for submission of such an appeal.

GENERAL PROVISIONS

Time Calculations and Extensions

Calculation of time – Saturdays, Sundays, and holidays shall be disregarded in calculating time periods specified in this grievance procedure.

Extension of time – Any time limits set by this procedure may be extended by mutual consent of the grievant(s) and the respondent(s).

Grievant Right to Information

A grievant(s) may request access to information and records in possession of the School District of the City of York, which may bear upon the validity of the grievance. If such requested information requires an unreasonable expenditure of resources by the School District of the City of York, such request may be refused if the information is not submitted as evidence by the respondent(s), and that this refusal is considered during the grievance hearing. In order to protect the privacy of persons not directly involved in the grievance proceeding, the School District of the City of York shall reserve the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant.

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Grievant Right to Representation and Assistance

Right to representation – The grievant(s) has the right to be represented by knowledgeable persons, organizations, or groups of his/her selection at any point during the initiation, filing, or processing of the grievance. The Title IX/Section 504 Coordinator shall provide help identifying such knowledgeable persons or groups.

Right to assistance – The School District of the City of York shall provide assistance to grievant, including access to copies of Title IX/Section 504 regulations, related guidelines, memoranda, and other relevant materials supplied the school district by the federal government as well as access to public grievance records. In addition, the Title IX/Section 504 Coordinator and designated representatives shall provide consultation and assistance in the interpretation of such information and the use of this grievance procedure.

Training of Grievance Hearing Officers

All persons designated as grievance hearing officers shall receive training regarding Title IX/Section 504 regulatory requirements and nondiscrimination precedents, and the basic principles and operation of this grievance procedure.

This training shall be arranged by the Title IX/Section 504 Coordinator. The Title IX/Section 504 Coordinator shall also provide continuing consultation to hearing officers regarding Title IX/Section 504 requirements and the implementation of this procedure.

Confidentiality of Grievance Handling

1. Confidentiality of proceedings – The grievant(s) shall determine whether any grievance hearing or other grievance procedure shall be open to the public or open only to participants.
2. Confidentiality of file records – A grievant(s) shall have the right to determine whether or not his/her grievance record shall be open or closed to the public. Should the grievant decide that the grievance record shall be open to the public, s/he shall have the additional right to have any matter, which directly or indirectly identifies the grievant, removed from all grievance records or documents open to the public. No record of the grievance shall be entered in the personal file of any student or employee.

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Maintenance of Grievance Records

Maintenance of written grievance records:

1. Confidential grievance files: Records shall be kept of each grievance. These shall include, at minimum: the name of the grievant and his/her position in the School District of the City of York; the date of the grievance filing; the specific allegation made in the grievance and any corrective action requested; the name of respondents; the levels of processing and the resolution, date, and hearing officer(s) at each level; a summary of major points, facts, and evidence presented by each party to the grievance; and a statement of the final resolution and the nature and date of any corrective action taken. Such records shall be maintained on a confidential basis unless otherwise specified by the grievant.
2. Public grievance files: For purposes of the dissemination of grievance precedents, separate file records shall be kept which indicate only the subject matter of each grievance, the resolution of each grievance, and the date of resolution. These records shall not refer to any specific individuals and they shall be open to the public.
3. Duration of maintenance of written grievance records: All written grievance records shall be maintained for a minimum of three (3) years after grievance resolution.

Prohibition of Harassment

No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of the grievance process.

Role of the Title IX/Section 504 Coordinator

It is the primary responsibility of the Title IX/Section 504 Coordinator to ensure the effective installation, maintenance, processing, recordkeeping, and notification required by the grievance procedure.